

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re Flint Water Cases

No. 5:16-cv-10444-JEL-EAS

HON. JUDITH E. LEVY

MAG. ELIZABETH A. STAFFORD

**CLASS PLAINTIFFS' MOTION FOR PAYMENT OF FEES AND
EXPENSES FOR SERVICES PROVIDED BY A.B. DATA, LTD., AS
NOTICE ADMINISTRATOR FOR THE LAN SETTLEMENT**

On November 15, 2023, the Court issued its *Opinion and Order Granting Class Plaintiffs' Motion for Preliminary Approval of Class Settlement With the LAN Defendants* [2673]. ECF No. 2684. In doing so, the Court preliminarily approved the LAN Settlement Agreement ("LSA") and the form of class notice, and named A.B. Data, Ltd. ("A.B. Data") as Notice Administrator, ECF No. 2684, PageID.87244. A.B. Data subsequently disseminated Notice to Class Members and Notice to appropriate state and federal officials under the Class Action Fairness Act, 28 U.S.C. § 1715. *See* ECF No. 2827-3; ECF No. 2836-1.

Under paragraph 10.2 of the LSA, Article X-The Qualified Settlement Funds, of the Amended Settlement Agreement ("ASA"), ECF No. 1394-2, is re-adopted for purposes of the LAN Settlement. ECF No. 2673-2, PageID.87007. Thus, like the ASA, the LSA provides that

[b]before the Effective Date, disbursements for expenses directly associated with issuing the Settlement Notice and Individual

Notice, expenses associated with administering the Settlement Agreement, and any payments and expenses incurred in connection with taxation matters relating to the FWC Qualified Settlement Fund and this Settlement Agreement may be made from the FWC Qualified Settlement Fund, and such amounts shall not be refundable to Defendants in the event this Settlement Agreement does not become Final, is disapproved, rescinded, or otherwise fails to become effective.

ASA ¶ 10.2, ECF No. 1394-2, PageID.54157 (emphasis added).

A.B. Data submitted a statement and its first invoices¹ for services provided as Notice Administrator for the LAN Settlement to Class Counsel on March 5, 2024.

See Ex. A. To date, the total amount of the invoices from A.B. Data is \$328,397.55. Both Class Plaintiffs and the Special Master have reviewed the invoice and determined that the fees and expenses are consistent with the engagement.

Accordingly, Class Plaintiffs request that the Court grant this motion and authorize the payment of \$328,397.55 to A.B. Data for services rendered as Notice Administrator to the LAN Settlement. Class Plaintiffs further request that these costs, if approved, be paid from the separate account containing funds contributed by LAN.

¹ A.B. Data continues to receive and process claims information, and anticipates that it will continue receiving claims for the next two to three months. Thus, Class Plaintiffs anticipate filing at least one more motion requesting payment for expenses of “administering the Settlement Agreement.” ASA ¶ 10.2.

Dated: March 21, 2024

Respectfully submitted,

By: /s/Theodore J. Leopold
Theodore J. Leopold
COHEN MILSTEIN SELLERS
& TOLL PLLC
11780 U.S. Highway One, Suite N500
Palm Beach Gardens, FL 33408
Telephone: (561) 515-1400
tleopold@cohenmilstein.com
CO-LEAD CLASS COUNSEL

CERTIFICATE OF SERVICE

I certify that on March 21, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Dated: March 21, 2024

By: /s/Theodore J. Leopold
Theodore J. Leopold
COHEN MILSTEIN SELLERS
& TOLL PLLC
11780 U.S. Highway One, Suite
N500
Palm Beach Gardens, FL 33408
Telephone: (561) 515-1400
tleopold@cohenmilstein.com